

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
 PHARMACY, INC. PRODUCTS
 LIABILITY LITIGATION

MDL No. 2419
 Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**PLAINTIFFS' STEERING COMMITTEE, PREMIER DEFENDANTS,
 ST. THOMAS ENTITIES AND BOX HILL DEFENDANTS' PROPOSED
 PRETRIAL SCHEDULES**

At the May 28, 2015 status conference, the Court requested that the Plaintiff Steering Committee ("PSC") create charts reflecting the current proposed pre-trial schedules. For the convenience of all parties and the Court, the charts below set forth the proposed pre-trial schedules for the Premier Defendants,¹ St. Thomas Entities² and Box Hill Defendants,³ respectively:

Premier:

Event	MDL Order No. 9 Schedule	PSC's Proposed Trial Schedule	Premier's Proposed Trial Schedule
Close of Common and Case Specific Fact Discovery; Meet and confer on potential bellwether process	06/15/15	11/15/15	12/15/15

¹ "Premier Defendants" includes Premier Orthopedic Associates Surgical Ctr., Premier Orthopedics Associates Surgical Center, LLC, Premier Orthopaedic and Sports Medicine Associates of South Jersey, LLC, d/b/a Premier Orthopaedic and Sports Medicine Associates, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Richard C. DiVerniero, M.D., John Catalano, M.D., and Jeffrey Strauss, M.D.

² "Saint Thomas Entities" include Saint Thomas Outpatient Neurosurgical Center, LLC, Howell Allen Clinic, PC, John Culclasure, MD, Debra Schamberg, RN, Vaughan Allen, MD, Saint Thomas West Hospital, formerly known as St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health.

³ "Box Hill Defendants" includes Box Hill Surgery Systems, LLC, Ritu T. Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC.

Close of Case Specific Bellwether Discovery		01/15/16	02/15/16
Initial Expert Disclosures and Proffer of Deposition Dates	07/15/15	01/31/16	03/15/16
Rebuttal Expert Disclosures and Proffer of Deposition Dates	08/14/15	04/04/16	05/01/16
Deadline For Expert Depositions	10/13/15	04/23/16	09/01/16
Dispositive Motions and <i>Daubert</i> Motions	N/A	05/21/16	10/15/16
Oppositions to Dispositive Motions and <i>Daubert</i> Motions	N/A	06/05/16	11/01/16
Replies in Support of Dispositive Motions and <i>Daubert</i> Motions	N/A	06/19/16	11/15/16
Hearing on Dispositive Motions and <i>Daubert</i> Motions	N/A	07/02/16	December 2016
Final Pre-Trial Hearing	N/A	07/25/16	January 2017

Trial	N/A	08/01/16	February 2017
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St. Thomas Entities:

Event	MDL Order No. 9 Schedule	PSC's Proposed Trial Schedule	St. Thomas Entities' Proposed Trial Schedule
Initial Trial Pool Cases selection exchanged in writing between the parties		≤ 10 days after entry of Order	
Deadline for Parties to file Notice of Position on Venue and Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach		≤ 15 days after entry of Order	
Completion of all Case-Specific fact discovery for Initial Trial Pool cases	6/15/15	9/15/2015	09/14/15
Parties shall file submissions as to the order in which the eight Initial Trial Pool Cases should be tried and/or remanded to the transferor courts. The Parties are directed to file briefs, not to exceed 5 pages, with reason for selections and order.		10/1/2015	
Court will select the order in which the Initial Trial Pool Cases will be tried and/or remanded, designate the first 2 cases to be tried and/or remanded,		10/15/2015	
Parties shall disclose experts who will testify as to Case-Specific Issues for the First Two Trial Case Picks along with at least three proposed deposition dates for each expert.	7/15/15	10/25/2015	10/13/15
Parties shall disclose rebuttal Case-Specific	8/14/15	11/10/2015	11/12/15

Experts for the First Two Trial Case Picks.			
Parties shall complete depositions of Case-Specific Issues experts (which will begin after rebuttal reports, if any, are served)	10/13/15	12/15/2015	01/11/16
Case-Specific dispositive motions and Daubert motions filed	N/A	12/21/2015	N/A
Oppositions to Case-Specific dispositive motions and Daubert motions filed	N/A	1/5/2016	N/A
Replies to Case-Specific dispositive motions and Daubert motions filed	N/A	1/15/2016	N/A
Hearings on case-specific dispositive motions and Daubert motions	N/A	As determined by the Court	N/A
Cases shall be trial-ready	N/A	2/1/2016	N/A

Box Hill:

Event	MDL Order No. 9 Schedule	PSC's Proposed Trial Schedule	Box Hill's Proposed Trial Schedule
Close of Common Issue Discovery	06/15/15	1/22/2016	4/1/2016
Bellwether Proposal submitted to Court			3/1/2016
Responses to Bellwether Proposals			3/16/2016
Close of Case Specific Bellwether Discovery		1/22/2016	6/1/2016
Plaintiff's Initial Expert Disclosures and reports	7/15/15	2/22/2016	5/15/2016
Defense Rebuttal expert reports	8/14/15	3/23/2016	7/1/2016
Deadline for Expert Depositions	10/13/15	5/23/2016	11/1/2016
Dispositive Motions and Daubert Motions	N/A	6/22/2016	12/15/2016

Oppositons to Dispositive Motions and Daubert Motions filed	N/A	7/7/2016	1/2/2017
Replies in Support of Dispositive Motions and Daubert Motions filed	N/A	7/22/2016	1/15/2017
Hearing on Dispositive Motions and Daubert Motinos	N/A	8/8/2016	February 2017
Final Pre-trial Hearing	N/A	9/7/2016	March 2017
Case are Trial Ready	N/A	10/3/2016	April 2017

Date: June 22, 2015

Respectfully Submitted,
/s/ Kimberly A. Dougherty
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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Kimberly A. Dougherty, hereby certify that I caused a copy of the above *Plaintiffs' Steering Committee, Premier Defendants, St. Thomas Entities and Box Hill Defendants' Proposed Pretrial Schedules* to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: June 22, 2015

/s/ Kimberly A. Dougherty

Kimberly A. Dougherty, Esq.